IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 303 of 2005

Between:

Atyala Gangaiah, S/o Ankaiah,
P. Nayudupalem, Chimakurthi Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Cheemakuthy Mandal,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the order passed by the 1st respondent herein in Rc.CS2/5482/2004, dated 31-12-2004 as arbitrary, illegal and unconstitutional and consequently direct the respondents to continue the petitioner as FP Shop dealer of P.Naidupalem village, Chimakurthi Mandal, Prakasam District pending disposal of the appeal before the 1st respondent herein.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The authorization of the petitioner as Fair Price Shop Dealer of P.Nayudupalem, Chimakurthi Mandal, Prakasam District, was cancelled by the 2nd respondent through his order, dated 05.12.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. The 1st respondent rejected the application for stay through his order, dated 31.12.2004. The petitioner challenges the same.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal against the order of cancellation of authorization. The 1st respondent refused to grant interim orders. Basically, this Court does not interfere with such matters, particularly where the subject matter of appeal is cancellation of authorization. Exceptions to this are the cases where order of cancellation is passed without conducting any enquiry or where it is passed by an authority not vested with the power. Such is not the case here. Unless the appellate authority examines the records and comes to a conclusion, it would not be advisable to permit the dealer, whose authorization is cancelled, to continue the supplies. This Court does not find any basis to interfere with the same. However, the vacancy caused on account of the cancellation of the dealership of the petitioner cannot be filled, till the disposal of the appeal.

For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders in the appeal itself, within a period of six

weeks from the date of receipt of a copy of this order and the 2nd respondent shall not appoint any dealer on regular basis, till the disposal of the appeal. There shall be no order as to costs.

19.01.2005

Note: Issue C.C. in three days.

(B/o)

Jsu
To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Cheemakuthy Mandal,

Prakasam District.

4 2CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies